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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 06/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072 860

Applicant(s)

ANCEL, THOMAS A.9

Examiner

Bao Q. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-36 and Figures 8-13 in Paper No. 7 is acknowledged. As claims 1-36 are readable on Figures 1-7, all Figures 1-13 would be examined together.

Information Disclosure Statement

2. The listing of references of pages 1-2 in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

3. Claims 1-36 are objected to because of the following informalities:

Claim 1, the phrase "one or more of the following" should be deleted; "jam" on line 4 should be changed to -jamb--; there is lack of antecedent basis for "the touch body design assembly" on line 8, "Par 30 light bulb" should be changed to -a standard par 30 light bulb--.

Claim 2, there are lack of antecedent basis for "said mounting", "the light ", "the pipe bollard lighting fixture", and "the bollard".

Claims 3-36, the claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be lack of antecedent basis and inconsistency in terminology.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 3-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 18, the applicant has not clearly described how each assembly or element relatively being connected or positioned to each other.

Claims 3-17 and 19-36 are necessary included because of their dependency.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

7. Claims 1-10, 15-29 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hertenstein [US 4,973,016].

Regarding claim 1, Hertenstein discloses a dock light assembly having a mounting assembly [14] (figures 1-2, column 4 lines 8-9).

Regarding claim 2, Hertenstein discloses a mounting assembly [14] (figure 2).

Regarding claim 3, Hertenstein discloses a mounting assembly [14] allowing a light [18] to swing in front of the working position (figures 1-2).

Regarding claim 4, Hertenstein discloses a mounting assembly [14] allowing a light [18] to swing in behind of the working position (figures 1-2).

Regarding claim 5, Hertenstein discloses a mounting assembly [14] allowing a light [18] to swing in behind of the door [13] (figures 1-2).

Regarding claim 6, Hertenstein discloses a mounting assembly [14] allowing a light [18] to swing away from the door [13] and in working position (figures 1-2).

Regarding claims 7-10, Hertenstein discloses a mounting assembly [14] allowing a light [18] to swing with a predetermined amount of swing pressure (figures 1-2).

Regarding claim 15, Hertenstein discloses a light bulb being mounted in an adjustable fixed head [44] (figure 2).

Regarding claim 16, Hertenstein discloses a horizontal axis swing [24] (figures 2 and 4).

Regarding claim 17, Hertenstein discloses a light bulb (figure 2).

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Regarding claim 18, Hertenstein discloses a light body [14, 18], a light source, a mounting means [14], a means to prevent burned [light housing 18], a hinge means [24] and a means for connecting to an electric source [52, 54] (figures 1-8).

Regarding claim 19, Hertenstein discloses a housing [18], a frame [14] and a means to mount a light source [44] (figure 2).

Regarding claim 20, Hertenstein discloses a housing [18] providing protection to all internal elements (figure 2).

Regarding claim 21, Hertenstein discloses a frame [14] providing means to mount the light body [18] to a permanent structure (figure 2).

Regarding claim 22, Hertenstein discloses a frame [44] having an internal fixture [49] (figures 2-3).

Regarding claim 23, Hertenstein discloses an internal fixture [49] having a predetermined vertical and horizontal mounting angle (figures 2-3).

Regarding claim 24, Hertenstein discloses a light bulb (figure 2).

Regarding claim 25, Hertenstein discloses a mounting plate [32], hinges [24, 39], and fasteners [36, 37] (figure 4).

Regarding claim 26, Hertenstein discloses a mounting plate [32] being curved [C shaped] to fit on a pipe bollard (figure 4).

Regarding claim 27, Hertenstein discloses hinges [24, 39] (figure 4).

Regarding claim 28, Hertenstein discloses bolts [36, 37] (figure 4).

Regarding claim 29, Hertenstein discloses washers [43] (figure 5).

Regarding claim 33, Hertenstein discloses hinges [14, 24] to convert said light from left to right hand mounting without additional parts (figures 1-2).

Regarding claim 34, Hertenstein discloses a plurality of internal mounting studs [bolts 36, 40, 47] (figures 2-5).

Regarding claim 35, Hertenstein discloses a length of electrical cable [52] (figures 2 and 8).

Regarding claim 36, Hertenstein discloses a mounting plate [32] (figure 4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertenstein as applied to claim 1 above, and further in view of Thornton [US 5,258,898].

Regarding claims 11-13, Hertenstein does not disclose the mounting light fixture without extension arms or tubes.

Thornton teaches the use of the mounting light fixture [16, 22] without extension arms or tubes (figure 1).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the mounting light fixture without extension arms or tubes of Thornton to adjust the light fixture for purpose of providing a lightweight assembly.

10. Claims 14 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hertenstein as applied to claims 1 and 18 above, and further in view of Metz [US 5,709,458].

Regarding claims 14 and 30-32, Hertenstein discloses a light housing [18] (figure 2), but Hertenstein does not disclose the cooling holes.

Metz teaches the use of cooling holes [28] to cool the housing [18] (figures 3 and 6, column 3 lines 29-31).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the light housing of Hertenstein by the cooling holes as taught by Metz to have a ventilation air-flow for purpose of providing a cooling light housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong
Examiner
Art Unit 2875

BQT
May 27, 2003

